

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: 09-04154-dd

ORDER MODIFYING STAY

The relief set forth on the following pages, for a total of 2 Pages including this page, is hereby **ORDERED**.

**FILED BY THE COURT
09/16/2009**



Entered: 09/17/2009

US Bankruptcy Court Judge
District of South Carolina

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:)	BANKRUPTCY CASE NUMBER: 09-04154-dd
)	
Michael M. Smith)	CHAPTER 7
)	
Debtor.)	<u>ORDER MODIFYING STAY</u>

This matter is scheduled to come before the Court on September 17, 2009 on the motion filed August 21, 2009, of U.S. Bank N.A., successor by merger to The Leader Mortgage Company (hereafter called "Lender") to modify the automatic stay of 11 U.S.C. § 362(a) to pursue its available state law remedies as to Lender's collateral, described briefly as real property located at **2471 Lantern Road, Charleston SC 29407** (the "Collateral"). The grounds of the motion were that the Debtor's failure to make payments pursuant to the contract with Lender was a material default which entitled Lender to relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). Debtor and the Trustee have not objected as stated in an Affidavit of No Objection filed by Lender's attorney in this matter. Now therefore, it is

ORDERED that Lender hereby is granted relief from the automatic stay of 11 U.S.C. § 362(a) by modification of the stay as to Lender's Collateral to pursue its available state law remedies;

FURTHER, Lender agrees to waive any claim which may arise under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. Lender further agrees that any funds realized from the sale of the Collateral in excess of all liens, costs and expenses will be paid to the Trustee. It is further ORDERED that the stay imposed by Bankruptcy Rule 4001(a)(3) does not apply.

AND IT IS SO ORDERED.